



**International covenant
on civil and
political rights**

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Held at the Palais Wilson, Geneva,
on Friday, 20 July 2001, at 3 p.m.

Chairperson: Mr. BHAGWATI

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The meeting was called to order at 3. 05 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES SUBMITTED UNDER
ARTICLE 40 OF THE COVENANT (agenda item 5) (continued)

Second periodic report of the Democratic People's Republic of Korea (continued)
(CCPR/C/PRK/2000/2; CCPR/C/72 L/PRK; HRI/CORE/1/Add.108)

1. At the invitation of the Chairperson, the members of the delegation of the Democratic People's Republic of Korea resumed their places at the Committee table.
2. The CHAIRPERSON invited the delegation to reply to questions raised by the Committee at the previous two meetings.
3. Mr. KIM Song Chol (Democratic People's Republic of Korea), responding to a question by Sir Nigel Rodley about alleged cases of torture in the Democratic People's Republic of Korea (DPRK), in particular the Li Sun Ok case, said that he had submitted a reply on behalf of his Government to Sir Nigel Rodley, in his capacity as the Special Rapporteur of the Commission on Human Rights on torture, on 9 December 1999. Yet Sir Nigel Rodley had raised the issue again in the context of the Human Rights Committee, an apolitical body, without mentioning that he had already received a reply. He found such conduct highly suspicious.
4. The CHAIRPERSON said that Sir Nigel Rodley was perfectly entitled to raise the question again in the context of the Committee.
5. Mr. KIM Song Chol (Democratic People's Republic of Korea) said that clarifications regarding the case had been provided on several occasions to various human rights bodies. In raising the issue again, Sir Nigel Rodley should have referred to the position of the Government of the DPRK on the matter. He suspected that there were ulterior motives for his uncooperative approach.
6. Mr. RI Gi Sun (Democratic People's Republic of Korea) said that article 47 of the Criminal Law bore no relationship to article 12 of the Covenant since its purpose was to punish those guilty of high treason who had defected to a foreign country with a view to preparing an armed revolt to overthrow the Republic or setting up terrorist organizations.
7. Article 53 of the Criminal Law was applicable to foreign residents who had committed a crime within the country or a hostile act against the Republic abroad, opposing independence and reunification or suppressing and persecuting the national liberation struggle. Such persons were subject to extradition pursuant to bilateral or multilateral agreements.
8. Article 121 of the Criminal Law was applicable to persons who concealed offenders, even if the offender was a family member. However, the courts were prepared to take special circumstances into account.

9. Compensation for illegal arrest, ill-treatment or unlawful punishment could be ordered by a judge. The victim's wages were paid in full for the period of unlawful detention and any property that had been attached was returned.
10. Persons charged with a criminal offence were entitled to choose their own defence counsel, subject to the approval of the court. They could appoint a family member, a relative, a lawyer or a member of the staff of their enterprise or organization to act on their behalf.
11. Mr. PAK Dok Hun (Democratic People's Republic of Korea) said that there were three independent human rights organizations in the DPRK. The Institute for Research on Human Rights, set up in 1992, carried out research aimed at the promotion and protection of human rights and the incorporation of provisions of international human rights treaties into domestic legislation. It also investigated the practical human rights situation in various sectors of society. On the basis of collective discussion and decision-making, the Institute submitted proposals to the organs concerned. It had contacts with international non-governmental organizations (NGOs) such as Amnesty International and the World Organization against Torture.
12. The Association for Assisting Handicapped Persons, established in 1998, carried out practical research, conducted social awareness campaigns and made recommendations to the bodies concerned. It maintained cooperative relations with Handicap International.
13. The Committee to Demand Compensation for Army Comfort Women and Victims of the Pacific War cooperated with international human rights organizations and attended meetings in Japan and the Philippines.
14. Travel certificates were required for security purposes owing to the precarious external situation but no restrictions were placed on citizens' right to travel.
15. Representatives of Amnesty International had twice visited the DPRK, inspecting reform institutions and conversing with the inmates. Invitations had also been issued to representatives of the World Organization against Torture and the Special Rapporteur of the Commission on Human Rights on violence against women. However, the authorities in the People's Republic had since become reluctant to agree to such contacts. One organization that had met the inmates of reform institutions and discussed the situation with local experts had issued a report that distorted the facts and alleged that a person had been shot on the border with the Russian Federation and transported in a coffin to the Democratic People's Republic of Korea. The story was a sheer fabrication. A photograph of the alleged victim taken the following year had been shown to the organization but it persisted in making false allegations.
16. Mr. O Chun Thack (Democratic People's Republic of Korea) said that no NGO dealt exclusively with complaints because the public complaints and petitions network maintained effective links between the highest organ of State power - the Presidium of the Supreme People's Assembly - and the smallest unit at the local level. All citizens were free to lodge complaints or petitions, up to the highest level, against any violation of their rights, such as unlawful legal

proceedings or penalties. Complaint boxes and registers were located in all public places. There were special procedures for complaining about the conduct of local officials. The body that received the complaint investigated the allegations carefully and impartially, recording the details in the register unless the complainant wished to remain anonymous. The case was then discussed at an advisory meeting of officials and the complainant was promptly notified of the results. No complainant was subjected to pressure. The whole process was monitored by the Cabinet and the central organs concerned. Where a complaint was not properly addressed or an official obstructed the complaints procedure, he or she was disciplined or prosecuted, depending on the gravity of the offence.

17. The CHAIRPERSON invited the delegation to reply to questions 15 to 29 of the list of issues relating to the jurisdiction, independence and impartiality of the Special Court and the People's Court; the extent to which legal proceedings were held in public; the rights of arrested or detained persons; reports of internal surveillance of citizens; the right to freedom of religion and worship; invocation of the Press Law to prevent the printing and dissemination of printed matter; application of the legislation governing public assemblies; procedures to allow the registration of independent political parties; "practical measures" to ensure the stable life of the family and measures to combat the abuse and ill-treatment of children within the family; measures to address unresolved family reunification cases; implementation of the provisions of article 25 of the Covenant; allegations concerning the trafficking of women; the principle of non-discrimination against women and the number of women in public life; dissemination of the report and the Committee's concluding observations; and human rights training courses for members of the judiciary, law enforcement officials and other public officials.

18. Mr. SIM Hyong Il (Democratic People's Republic of Korea), replying to question 15 concerning the jurisdiction of the Special Court and the People's Court, said that the Special Court was a central court divided into a military court, which heard cases involving members of the armed forces, and a railway court, which heard cases involving rail transport employees and persons who impeded the proper functioning of the railway system. The People's Court, Provincial Court and Special Court all applied the same principles and procedures under the Criminal Procedures Act, which ensured the independence and impartiality of the courts and guaranteed the right to appeal against their judgements.

19. Replying to question 16 concerning the right to a public hearing, he said that pursuant to article 16 of the Criminal Procedures Act, a trial could be closed to the public, totally or partially, where there was a danger that documents or information directly related to national security would be revealed or where there was a fear that the community might be adversely affected by the revelation of indecent pornographic material or base criminal acts. No trial had been closed to the public during the past three years.

20. Replying to question 17, he said that arrested or detained persons were served with an arrest warrant stating the charges against them and provided with a copy of the decision to place them in custody. The family of the arrested or detained person or the organization where he or

she was employed was notified, within 48 hours, of the time of and reasons for the arrest or detention. All detainees had access to legal counsel except when they waived their right to legal assistance. Access to counsel was granted from the moment when legal proceedings were instituted and a copy of the indictment was sent to the accused three days before the trial. If the indictment was not received in time, the trial was postponed.

21. Replying to question 18, he said that reports of internal surveillance of citizens' private lives were illogical since power was wielded by the masses of the people and the country's policies were framed in accordance with their will. Allegations of wiretapping and unlawful surveillance activities were rumours spread by those hostile to the DPRK and the socialist system.

22. Replying to question 19 concerning freedom of religion and worship, he said that many people who practised religion had been killed during the Korean War. Religion was dying of old age and young people seldom showed an interest in religious worship. Some 40,000 people still believed in religions such as Christianity, Buddhism and Chondogyo. Religion was completely separate from the State, which in no way interfered with religious observance or discriminated against any religion.

23. Replying to question 20, he said that article 48 of the Press Law had been invoked 30 times during the past three years to halt the dissemination of printed matter, primarily in order to prevent the disclosure of State and military secrets. Twenty-seven cases had concerned encyclopaedias, atlases and magazines and three had concerned books about military reconnaissance.

24. Replying to question 21 concerning public assemblies, he said that institutions, enterprises and organizations held numerous assemblies at the central, municipal, provincial, county and other levels, but very few demonstrations were organized. During the past three years, more than 600 assemblies and two to three demonstrations had been notified to the authorities each year. The holding of such gatherings was not subject to permission.

25. Replying to question 22, he said there were no statutory procedures for the registration of new political parties. If a proposal for the establishment of a new party was submitted, the procedures for its registration would be discussed.

26. Replying to question 23, he said that the DPRK had not found it difficult in the past to safeguard the stability of family life. However, the country's recent economic problems had led to instability. The State had therefore taken action to provide families with basic consumer goods, as reported in the delegation's reply to question 6 of the list of issues.

27. With regard to the ill-treatment of children, no case of abuse of children in schools, kindergartens or childcare facilities had been reported. However, some families treated their children harshly, since they continued to believe in the outmoded slogan "spare the rod, spoil the child". If such conduct was reported, the village community and the people's neighbourhood unit reprimanded or criticized the parents or legal guardians or took disciplinary action.

28. Replying to question 24 concerning family reunification, he said that separated families fell into two categories. The first consisted of families separated within the northern part of the Korean peninsula by the Korean war. To address that issue, the State had set up an address inquiry office immediately after the war under the people's security organ, which had made unremitting efforts to reunify countless families. The second category consisted of families separated by the division of Korea into two countries. The Government had put forward a number of proposals to deal with the problem, including family reunions and exchanges of correspondence. Since the historic inter-Korean Pyongyang meeting in June 2000 and the adoption of the North-South Joint Declaration, three rounds of exchange visits of separated families had been organized and agreement had been reached on additional visits and exchanges of correspondence, identification of the whereabouts of family members, and the establishment and running of meeting centres.

29. Replying to question 25, he said that all classes of people had an equal right to participate in the conduct of public affairs. However, persons sentenced to penal servitude were disenfranchised by a court decision. Persons certified as being without legal capacity and foreigners were also barred from participating in elections. No foreigner had sought access to public office. Candidates were recommended either by the electorate or by political parties or public organizations jointly or separately. Recommended candidates had to pass a qualifying examination at a meeting of voters, and to secure the approval of more than half of those present. An unlimited number of candidates could run for election in a constituency. Nobody suffered discrimination in political life or in access to public service on any ground such as race or sex.

30. Replying to question 26 on the trafficking of women, he said that there had been no cases of that practice in his country for 50 years. It was a relic of Japanese colonial rule which had been prohibited after national liberation.

31. Replying to question 27 concerning discrimination against women, he said that there was no discrimination, either in law or in practice. Women enjoyed special rights: they did not work night shifts and were not employed in arduous work such as mining. Women accounted for 48.4 per cent of the working population; over 70 per cent of workers in health care, commerce and childcare; 34 per cent of workers in education, communications and culture; and 15 per cent of workers in industry, agriculture and construction. They accounted for 20.1 per cent of the deputies in the Supreme People's Assembly, 21.9 per cent of the members of local people's assemblies and 10 per cent of officials at central government or ministerial level.

32. Replying to question 28 (dissemination of the State party report and the Committee's concluding observations), he said that the report had been distributed to ministries, commissions, local organs of people's power and public organizations such as the Youth League, the Women's Union and the Institute for Research on Human Rights. When the Committee adopted its concluding observations, they would be circulated to Government and law-enforcement authorities and to all the above-mentioned bodies, in order to canvass a broad range of public opinion about the measures needed to implement the Committee's recommendations. The concluding observations would also be publicized in the mass media.

33. Replying to question 29 concerning human rights training for public servants, he said that intensive short courses were held twice a year for officials working in the judiciary, administration and law enforcement. The courses included an explanation and discussion of the international human rights instruments and their application. The officials underwent longer periods of retraining every five years at a law institute.

34. Mr. SOLARI YRIGOYEN thanked the delegation for its replies. There was no ulterior motive behind the Committee's questions: its only aim was to ensure, in collaboration with the State party, that the provisions of the Covenant were observed. In the case of Yu Tae Jun, for example, the Committee had received information from another source and wished to check it with the State party.

35. Paragraph 85 of the report stated that trials were conducted by a judge and two people's assessors, who had the same competence as the judge and were elected by soldiers or employees of the relevant military unit or organization. What exactly did the people's assessors do and why were they elected in that way? Were they qualified judges?

36. The religious bodies referred to in paragraph 112 were mostly federations of Christians, Buddhists, followers of Chondogyo, etc. Why did those religions operate as federations? Were they prevented by law from operating as churches? How many places of worship were open in the Republic, and for which religions? Did religious leaders have to be citizens of the Republic, or could an Anglican or Roman Catholic bishop, for example, be appointed from abroad and obtain a residence permit? The delegation had stated that there were 40,000 religious practitioners. Did that figure cover just the main religions, or were smaller religious minorities included?

37. Was conscientious objection to military service permissible? Was there an alternative to military service and, if so, under what conditions was it performed?

38. Paragraph 121 of the report stated that the Government published many translations of world famous authors. Who decided which books were to be translated? Could groups of citizens or religious groups publish translations of foreign works and distribute them freely?

39. Paragraph 125 stated that anyone wishing to hold an assembly or demonstration must notify the relevant people's committee and the authorities responsible for security. What exactly was the people's committee? If the application was refused, did the individual have a right of appeal against that decision, and which body would hear the appeal?

40. Paragraph 129 of the report stated that there was no legislation providing for the formation of new political parties, given the lack of any need for new parties. However, if such a need should arise at some point in the future, would it be possible to form a new political party under the law as it stood at present?

41. Paragraph 132 stated that a public organization or trade union could be banned if it endangered State security or public order: which body made that decision, was it possible to appeal against it, and which body would hear the appeal?

42. Paragraph 137 stated that a couple who were not married were forbidden to live together. However, was it a criminal offence for a couple to do so? To what penalty would they be liable, and would the punishment be increased if they continued to live together after the penalty had been imposed?

43. The proportion of female deputies to the people's assemblies (para. 21) was encouraging, but full equality between men and women had not yet been achieved. What further measures were planned to increase women's participation in public life?

44. Mr. SHEARER thanked the delegation for its willingness to enter into a dialogue with the Committee. He asked whether the Juche idea was compatible with religious beliefs such as Christianity or Buddhism. Could a person be a good citizen and a Christian or Buddhist at the same time?

45. The Committee had received information alleging that religious practices were discouraged and believers persecuted. He asked the delegation for specific details of the extent of free religious worship. How many places of worship were open and functioning? Who managed the religious educational institutions referred to in paragraph 116? Were those institutions in contact with the outside world?

46. Mr. KHALIL reassured the delegation that the Committee had no wish to criticize or condemn. It welcomed the opportunity for a frank and constructive dialogue with the State party, which would identify problems in the human rights situation and help the DPRK to fulfil its obligations under the Covenant.

47. The Committee placed great value on independent sources of information besides the official reports submitted by States parties. He asked for more details of the Regulation on the Activities of Foreign Journalists (para. 120). The Government appeared to have complete control over the dissemination of information: how did it reconcile that situation with its commitments under article 19 of the Covenant (freedom of expression)? Were there any plans to relax the restrictions?

48. Turning to trafficking in women, he noted that the Committee had received information to the effect that such trafficking - by individuals, not by the State - still took place. What measures, other than purely legal ones, was the Government taking to protect women? Were the legal measures in force effective against trafficking?

49. Mr. LALLAH thanked the delegation for its replies, and hoped that even more information could be provided at a later stage.

50. He asked for more information about the position of the judiciary within the Republic's human rights system and its status in relation to the idea of Juche. In the description of State organs in the Constitution (arts. 87-162), the judiciary came last, even after the public prosecutor's office. Were any members of the judiciary also members of a religious group (Christians, Buddhists, etc.)?

51. Article 162 of the Constitution stated that the Central Court was accountable to the Supreme People's Assembly, or to its Presidium if the Supreme People's Assembly was not in session. He asked for details of cases where members of the judiciary had been held to account for their decisions. States parties must provide practical guarantees to ensure that the judiciary was independent, impartial and competent. In many cases, members of the judiciary were given security of tenure: however, judges in the DPRK were elected for five years only. Why was their term of office limited?

52. It had been reported that the authority ultimately responsible for interpreting the Covenant in the DPRK was the Supreme People's Assembly. Was that really the case? Generally, that task would be entrusted to the judiciary rather than to a political body.

53. According to article 129 of the Criminal Law, a person who, among other things, "reaches an unjust decision or judgement" could be imprisoned for up to two years. Did that mean that a judge who reached a verdict which was subsequently overturned on appeal could be sent to prison? No judge could be independent in such circumstances.

54. He was concerned about the apparent overlap between judicial and executive functions. For example, paragraph 64 of the report stated that the public prosecutor had the right to examine the lawfulness of an arrest or detention, which was properly the prerogative of a court, as stated in article 9 (4) of the Covenant.

55. Articles 169-177 of the Criminal Procedures Act covered the procedures for the defence of an accused person. However, it did not provide for the defence counsel to cross-examine witnesses. Was cross-examination possible in the legal system of the DPRK? Was all the evidence in the case collected at the time of the preliminary examination, so that the court merely reviewed the written evidence? He would welcome any more information the delegation could provide on the independence of the judiciary and its compatibility with the Juche idea.

56. Sir Nigel RODLEY referred again to the case of Li Sun Ok, who had defected to the Republic of Korea following an illegal visit to China. According to a letter from the Government of the DPRK, she had never been detained, her defection having been motivated by the deceitful inducements of her cousin Jang Hak Chun, an intelligence agent working in China for the Republic of Korea. A letter from her husband, Choe Jong Hak, stated that his wife had never been detained and there was no reason for her to defect to the Republic of Korea. Annexed to the Government's letter was a letter purporting to be from her husband, and a photograph of her husband, daughter-in-law and two children. The letter accused the Republic of Korea of abusing the "abducted citizen of a sovereign State" in order to slander the DPRK. He still had doubts, however, about the "abduction", having met a representative of an NGO in which he had confidence, who had met Li Sun Ok in circumstances which did not suggest she had been abducted.

57. He noted that, according to article 4 of the Constitution, the sovereignty of the State rested with "the workers, peasants, working intellectuals and all other working people". Were there any individuals in the DPRK who fell outside those categories, and if so, did they enjoy the rights laid down in the Constitution? Article 11 of the Constitution stipulated that the DPRK "shall conduct all activities under the leadership of the Workers' Party of Korea". Why was that role specified for the Workers' Party, and how could the Constitution or the law guarantee that that role would in fact be exercised, given that there was no other reference in the Constitution or the electoral law to the role of the party?

58. Mr. YALDEN noted that the second periodic report contained only two paragraphs about the situation of women in the DPRK (paras. 19 and 156) and that the reply given by the delegation to question 27 in the list of issues had not provided any additional information. Much more information was needed about the situation of women, especially with regard to their levels of seniority in employment, whether women working in industries such as transport and communications attained senior management posts, and whether men and women received equal pay for work of equal value.

59. Mr. ANDO, referring to paragraph 120 of the report, asked whether foreign newspapers and specialist periodicals were available in the original in the DPRK. Were they sold on the streets and in shops, and if so, how many copies were sold daily or weekly? How many foreign journalists, from which countries were working in Pyongyang, and could they interview local people without official permission? What foreign languages were taught in schools? On the question of freedom of assembly, covered in paragraphs 125-126 of the report, were there any instances where permission to hold a public assembly or demonstration had been refused and if so, on what grounds? What was the difference between the Bar Association and the Democratic Lawyers' Association, and why had the Committee received no information from any of the NGOs enumerated in paragraph 130 of the report? Paragraph 131 described two types of trade unions in the DPRK. What was the legal position of trade unions in State institutions: did they have legal personality, and were they independent of the Government? Were there any specific instances in which public organizations or trade unions had been banned for endangering State security or public order, as described in paragraph 132?

60. Mr. RIVAS POSADA said that more information was needed on a number of points in order to assess the human rights situation in the DPRK. For example, it was not clear from paragraph 24 to what extent a state of emergency would be allowed to restrict the rights of citizens, under the interpretation of article 103 (5) of the Constitution by the Presidium of the Supreme People's Assembly. What were the non-derogable rights of citizens in a "state of war and mobilization" as defined in article 103? Under the Covenant, restrictions on fundamental rights should be kept to a minimum. Did the interpretation by the Presidium carry binding force, or was it merely a legal opinion? There appeared to be a contradiction between the constitutional position in the DPRK and the quasi-universal system governing states of emergency and the restriction or otherwise of fundamental rights.

61. Mr. HENKIN pointed out that although the Covenant did not require the abolition of the death penalty, an increasing number of States were adhering to the Second Optional Protocol and were seeking to abolish capital punishment altogether. In the case of the DPRK, he noted that, according to the reply given to Mr. Scheinin's question about the death penalty, it had been retained for certain offences regarded as especially serious. That was not in line with the general trend, which was to impose other penalties for the most serious crimes, including those which would be regarded as political. He was also concerned at the lack of information about human rights in the DPRK from non-governmental sources. NGOs such as Amnesty International, whose 1995 report on the DPRK had given rise to Government objections, played a crucial role in providing the Committee with accurate and reliable information. They should be allowed to play that role in the DPRK.

62. The CHAIRPERSON invited the delegation to respond to the oral questions asked by members of the Committee.

63. Mr. KIM Yong Chol (Democratic People's Republic of Korea), answering the questions about religion, said that freedom of religion was guaranteed by article 68 of the Constitution. The State did not interfere with religious practice in any way, nor did it encourage any particular religious creed. However, there were relatively few religious believers or places of worship in the DPRK. Of the major creeds, Christianity was the largest, having about 10,000 adherents and about 400 priests. There were two Catholic churches, attended by about 3000 people. They were rebuilt structures, because all the churches had been destroyed during the war. In the case of Buddhism, there were about 10,000 adherents, 60 temples and 200 monks. The Chondogyo religion had 52 places of worship, about 40,000 adherents and 250 priests. Military service in the DPRK was voluntary, so the question of conscientious objection on religious grounds or for family reasons did not arise and was not provided for by statute.

64. Mr. RI Gi Sun (Democratic People's Republic of Korea), explaining the role of people's assessors, said that in the central, provincial and district courts they had the same functions and authority as judges. In the central court, they were elected by the Supreme People's Assembly, and in the local courts by the respective local people's assemblies. A tribunal usually consisted of one judge and two people's assessors, the role of the latter being to represent the people in a trial. The verdict of the court was decided by a vote of the members of the bench. The people's assessors, recruited from among workers, peasants and officials of enterprises, received special training in law to enable them to act objectively.

65. Concerning marriage, he emphasized that marriage partners were equal under the law and marriages must be registered. Marriage was regarded as the institution for creating a family and cohabitation was frowned upon. Only married couples received the social benefits associated with marriage. Polygamy was not allowed.

66. The judiciary played an important constitutional role. The position of a public body in the Constitution did not determine its role in practice. The central court was accountable to the Supreme People's Assembly, and local courts were accountable to the local people's assemblies. Judges elected by the Supreme People's Assembly had to have the trust of the people and not be vulnerable to bribery. A judge could be dismissed if he lost the confidence of the public. Under article 129 of the Criminal Law, a judge who handed down an unjust judgement could incur a

criminal penalty. That provision did not, however, mean that judges forfeited their independence; it was simply a means of ensuring that they complied with legal procedures. If they accepted bribes, they were prosecuted. The lawfulness of arrests was monitored by the public prosecutor. His role was to supervise the conduct of prosecutions, not to investigate crimes. Evidence was gathered at the pre-trial stage of a prosecution, but the facts were further investigated at the trial stage, with the participation of the public prosecutor, defence counsel, and witnesses. If there was insufficient evidence, the members of the court would carry out investigations on the spot.

67. Mr. PAK Dok Hun (Democratic People's Republic of Korea), in reply to questions by Mr. Khalil and Mr. Ando, said that apart from journalists from Russia, Cuba and China, there were about 30 press officers from foreign diplomatic missions in Pyongyang. They were free to visit in all parts of the country other than restricted areas and to interview local people. Children learned either English or Russian at school from the age of 11 years and, at the Institute of Foreign Languages, it was possible to study all of the official languages of the United Nations and others such as German. Although foreign newspapers were not available in the shops, they were brought into the country by import and export companies, and by academic and State institutions. Approximately 890,000 volumes of periodicals, of 18 000 different types, were imported every year, and stored mainly in educational institutions and libraries, where they were available for members of the public to borrow. Considerable efforts were also made to translate foreign periodicals and books.

68. Mr. SIM Hyong Il (Democratic People's Republic of Korea), in reply to a question by Mr. Solari Yrigoyen, said that, according to the Regulation on Guarantee of Assembly and Demonstration, persons wishing to organize assemblies or demonstrations were required to notify the people's committee and the public security organ of the district concerned three days in advance. Notifications should specify the purpose, date and time, place, organizer and size of the assembly or demonstration. The people's committee and the public security organ, once notified, laid down the conditions for the assembly or demonstration and assisted with security. If an assembly or demonstration hindered the maintenance of State security and public order, it could be controlled by the procedures provided for under the Law on Public Security Control, but public security officers could not otherwise interfere. There were three political parties, the Workers' Party of Korea, the Korean Social Democratic Party and the Korean Chondoist Chongu Party, which had been active for over 50 years. There were no other social forums interested in forming political parties, and consequently no statutory regulations existed for that purpose.

69. He acknowledged that the proportion of central government posts occupied by women was too low at 10 per cent, but pointed out that there were no restrictions on women's access to such posts by means of competitive examinations, open to both sexes. The Government planned to step up its efforts to enhance the status of women in the future. For more details concerning the situation of women, he invited the Committee to consult the forthcoming initial report of his Government to the Committee on the Elimination of Discrimination against Women.

70. In reply to a question by Mr. Khalil, he said that the authorities did not permit the trafficking of women under any circumstances. The phenomenon occurred in neighbouring countries but was not a major problem in the DPRK.
71. Responding to a question by Sir Nigel Rodley, he said that the emblem of the Workers' Party of Korea contained the different categories into which Korean society was divided, namely workers, peasants and working intellectuals. Servicemen, who belonged to an exceptional category, were the only other type of citizen. The leadership of the ruling Workers' Party was provided for in the amended Constitution of 1992, which was the result of public demand for change. The party aimed to synthesize the will of the people and to guide the work of State bodies accordingly. Party members were encouraged to take a leading role in activities conducted in accordance with that principle, and State bodies therefore acted independently of the party leadership.
72. Membership of the Korean Bar Association was confined to attorneys, while the Democratic Lawyers' Association also included judges, public prosecutors, public security officers, legal scholars and experts among its members. The fact that no information had been provided by NGOs in connection with the periodic report could be linked to the lack of NGO activity in his country, and he would raise that issue with NGOs on his return.
73. The CHAIRPERSON said that the dialogue with the delegation had been instructive and useful. The strength in numbers and quality of the delegation spoke volumes for the commitment of the Democratic People's Republic of Korea to the promotion and protection of human rights. It was essential that the rhetoric of human rights should now become a reality. Irrespective of a country's political structure, whether it was capitalist or socialist, human rights were universal, and were based on a comprehensive respect for human dignity. The searching questions asked by the Committee during the dialogue were not intended to criticize, but to draw attention to shortcomings in the area of human rights, so that the Government would be better placed to deal with any problems that arose.
74. The Committee derived information from a variety of external sources in an attempt to acquaint itself with the situation on the ground. It always tried to make sure that the information was from credible sources, and consulted the delegation before determining the reliability of reports. He welcomed the assurance given by the delegation that it would seek to discuss the shortage of information with NGOs on its return. It was regrettable that there had been a delay of seven years in submitting the report, although the Committee was aware of the circumstances that had led to the delay. He hoped that the next report would contain more detailed information, so that the Committee would be better able to assess the situation on the ground.
75. He shared all of the concerns expressed by members of the Committee in the course of the dialogue. In particular, it was difficult to ascertain the exact status of the Covenant within the domestic legal framework. It had become part of domestic law in 1988, pursuant to the Treaty Law, but there was no evidence that it took precedence over domestic law. He reiterated that in cases of inconsistency between domestic law and the Covenant, the latter must prevail. It

was disturbing to learn that women accounted for only 20 per cent of members of the Chamber of Deputies, and only 10 per cent of central government officials. The State party should make more efforts to increase the representation of women in both those areas. Despite the existence of a Law on Complaints and Petitions, there was no independent mechanism to investigate violations of human rights and to ensure that complaints came before the courts. The State party should set up such a mechanism as soon as possible. Pursuant to the Constitution, the appointment of judges was subject to review by the executive branch every five years, which raised questions about the independence of the judiciary. According to section 129 of the Criminal Law, judges could also be liable to criminal prosecution if they were considered to have taken an unjust decision. The requirement to apply for a traveller's certificate (paragraph 76 of the report) constituted a violation of the right to freedom of movement since, in the absence of guidelines for the issuing of certificates, there was considerable scope for arbitrariness. Another in violation of article 12 of the Covenant was the prohibition on foreigners leaving the country without permission. He expressed the hope that the State party would address all of the concerns raised in the concluding observations of the Committee as a matter of urgency.

76. Mr. SIM Hyong Il (Democratic People's Republic of Korea) said that the dialogue had been extremely fruitful and constructive. He expressed appreciation for the opportunity to promote understanding and cooperation between his country and the Committee.

The meeting rose at 6 p.m.